Examiner-Initiated Interview Summary	Application No.	Applicant(s)
	09/424,951	SRIKANTHA ET AL.
	Examiner	Art Unit
	David A. Lambertson	1636
All Participants:	Status of Application:	
(1) <u>David A. Lambertson, Ph.D.</u> .	(3)	
(2) <u>Teresa Spehar</u> .	(4)	
Date of Interview: 25 November 2003	Time: 2:30pm	
Type of Interview: ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative) Exhibit Shown or Demonstrated: ☐ Yes ☐ No ☐ If Yes, provide a brief description:		
Part I.		
Rejection(s) discussed:		
Claims discussed: 1, 9, 14, 15 and 20 Prior art documents discussed:		·
Part II.		
SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED: See Continuation Sheet		
Part III.		
It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability. It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.		
(Examiner/SPE Signature) (Applicant's Representative Signature – if appropriate)		

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's attorney/agent was contacted regarding expedition of the allowance of the instant application. The following issues were raised:

- 1. As it regards the "percent identity rejection" under 35 USC § 112, first paragraph, the examiner was convinced (by applicant's arguments in view of the claim amendments) of a written description for an isolated nucleotide sequence that encoded a protein having 90% identity (or greater) with SEQ ID NO: 3 of the instant application, wherein said protein displays kinase activity. However, the written description rejection would be maintained regarding a nucleotide sequence encoding a protein having less than 90% identity with SEQ ID NO: 3. It was suggested that claim 1 be amended to recite an identity of "90% or greater" in order to obviate such a rejection. Furthermore, as it regards dependent claims 14 and 15 which also recited an identity of less than 90%, it was suggested that these claims be amended to reflect 95% and 99% percent indentity, repectively, to obviate the same 35 USC § 112, first paragraph rejection.
- 2. As it regards claim 9, the term "effecting" was unclear, and it was suggested that the term be replaced with "performing."
- 3. As it regards claim 20, it was indicated that the specification repeatedly referred to the lambda phage as SA15.1, and that it appeared claim 20 had a typographical error by referring to the strain as SG15.1. Furthermore, it was suggested that a parenthaetical phrase be inserted after SA15.1 in order to indicate that SA15.1 was indeed the deposited Ca lambda 15.1. This statemnt was suggested so as to clearly provide a nexus between the claimed subject matter and the deposit statement.

In addition, formal alterations to the specification were suggested.

Applicant's attorney/agent indicated that approval was required by Applicant prior to an Examiner's Amendment. In a subsequent conversation, Applicant's representative indicated that for the sole purpose of expediting the prosecution and allowance of the instant application and without acquiescing to the correctness of the Examiner's statements/contention, the Examiner's Amendment was approved..